

MICHAEL J. SATZ
STATE ATTORNEY
 SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA
 BROWARD COUNTY COURTHOUSE

201 SE SIXTH STREET, WEST WING SUITE 7130, FORT LAUDERDALE, FL 33301-3360

PUBLIC RECORDS REQUEST

Contact Mrs. Seltzer at (954) 831-7228 / SSeltzer@sao17.state.fl.us

Requestor : **BRIAN PARUAS**
 Company : **MDP LAYWERS**
 Address:

Request Reference #: **8449**
 Phone: **(954) 593-6740**
 Fax:
 Date: **6/13/2017**

City, State, Zip , -
 Email: **BRIAN@MDPLAWYERS.COM**

*emailed
closed
not
sealed*

Pursuant to Chapter 119, Florida Statutes, request is made for:

Request Type: **COPIES**

Record Type: **Public Records Request**

Defendant: **Solomon, David**

CtNum: **15009792CF10A**

Description: **Copy of complete file**

YOU ARE ADVISED that the State Attorney's Office is not the custodian of the official court records. The records you have requested are only those in the custody of the State Attorney, subject to all legal exceptions and/or redactions. For a copy of the complete and official record and/certified copies, contact the office of Brenda Forman, Clerk of the Court, 17th Judicial Circuit of Florida, at (954) 831-6565

(For SAO use only)

Letter acknowledging request sent by _____ Date **6-14-17**
 Active Discovery provided by _____ Date _____
 Reviewed/Redacted by _____ Date _____
 Approved/Disapproved by A.S.A. _____ Date _____
 File unable to be located by Unit _____ Date _____

See Notes/Exemptions/Redactions indicated below **No Redactions necessary.*

Request Withdrawn--Date _____
 SAO record was destroyed per §119.021(2)(d),
 SAO has no record as requested _____

Notes/Exemptions from Public Record Disclosure (For Reviewing ASA use only)

- | | |
|--|--|
| <input type="checkbox"/> Active internal affairs investigation => exempt, §112.533, FS; §655.057(1)(a), FS | <input type="checkbox"/> Mental Health records => exempt, §394.4615(1), FS; §456.057, FS |
| <input type="checkbox"/> Attorney notes=> confidential and exempt, Lopez v. State 696 So. 2d 725 (Fla. 1997); Valle v. State, 705 So.2d 1331 (Fla. 1997); Arbelaez v. State, 775 So. 2d 909 (Fla.2000) | <input type="checkbox"/> On active, pending cases, information not disclosed to defense in discovery=> exempt, Satz v. Blankenship, 407 So. 2d 396 (Fla. 4DCA 1981); Tribune Co. v. Public Records, 493 So. 2d 480 (Fla. 2nd DCA_1986) |
| <input type="checkbox"/> Confession by Defendant on active cases=> exempt, §119.071(2)(e), FS | <input type="checkbox"/> Personal assets of crime victim=> exempt, §119.071(2)(i), FS |
| <input type="checkbox"/> Bank account numbers, debit, charge and credit account numbers and social security numbers=> exempt, §215.322(6)1, FS; §119.071(5)(a)(b), FS; §655.057, FS; §655.059, FS | <input type="checkbox"/> Personal victim information in cases of sexual offense, child abuse, lewd & lascivious offense=> exempt, §119.071(2)(h), FS; §794.024 |
| <input type="checkbox"/> Biometric ID Information=>exempt, §119.071(5)(g), FS | <input type="checkbox"/> Medical Records=> exempt, §395.3025(4), FS; §395.3025(8), FS; §456.057, FS |
| <input type="checkbox"/> information revealing id of Confidential Informant or confidential source=> exempt, §119.071(2)(f), FS | <input type="checkbox"/> PSI, PTI, pre-plea, post-sentence investigative records=> exempt, §945.10(1)(b), FS |
| <input type="checkbox"/> Defendant not entitled to free copy of file.=> Roesch v. State, 633 So. 2d 1 (Fla. 1993) | <input type="checkbox"/> Reports of abuse of vulnerable adult=> exempt, §415.107, FS |
| <input type="checkbox"/> Criminal History Data=> exempt, §943.0525, FS | <input type="checkbox"/> Department of Children & Families Reports of child abuse=> exempt, §39.0132(4)(a), FS; §39.202, FS |
| <input type="checkbox"/> Department of Corrections Records & Investigations=> exempt, §945.10, FS | <input type="checkbox"/> School records=> exempt, §1002.22, FS |
| <input type="checkbox"/> Autopsy Photographs=> exempt, §406.135(1), FS | <input type="checkbox"/> Photograph of victim of sexual offense=> exempt, §119.071(2)(h) |
| <input type="checkbox"/> E.M.S. Reports=> exempt, §395.51, FS | <input type="checkbox"/> Active criminal intelligence and investigative information=> exempt, §119.071(2)(e), FS |
| <input type="checkbox"/> Home Addresses, etc., of current or former prosecutors, law enforcement personnel, firefighters, judges and code inspectors=> exempt, §119.071(4)(d)1, FS | <input type="checkbox"/> Identity of caller requesting or reporting "911" emergency=>exempt, §365.171(15), FS |
| <input type="checkbox"/> Traffic Crash Report exempt for 60 days after report is filed=>exempt, §316.066(5)(a), FS | <input type="checkbox"/> Juvenile Records=>exempt, §985.04, FS |
| <input type="checkbox"/> Videotaped statement of minor victim of sexual battery=>exempt, §119.071(j)2.a., FS | <input type="checkbox"/> Drivers License digital imaging=> exempt, §322.142(4), FS |
| <input type="checkbox"/> DL and DMV records=>exempt, §119.071(2), FS | <input type="checkbox"/> Telecommunications records=>exempt, §119.071(5)(d) |
| <input type="checkbox"/> Photo/video/audio recording that depicts or records the killing of a human being=>exempt, F.S. 406.136 | <input type="checkbox"/> Other exemptions=> _____ |
| <input type="checkbox"/> Pharmacy Records=>exempt, §465.017(2) | <input type="checkbox"/> Federal Tax Information=>exempt- 26 USC 1603 |
| <input type="checkbox"/> Security video/surveillance=>exempt 281.301, F.S and/or F.S. 119.071(3)(a) | |

7/25/17 PreTrial Diversion Agreement provided

Document # 14983

v5/22

ORIGINAL - ADM/2

COPY- Requesting Party

COPY -Public Records File

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA,

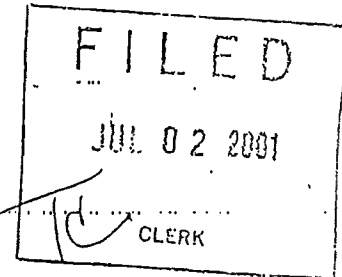
Plaintiff,

vs.

DAVID SOLOMON,

Defendant

Case No. F00-17040
Section No. 12
Judge Stanford Blake



PRETRIAL DIVERSION AGREEMENT

1. This special Pretrial Diversion Agreement is entered into between Defendant, DAVID SOLOMON, who is represented by Don S. Cohn, Counsel for Defendant, and KATHERINE FERNANDEZ RUNDLE, State Attorney for Miami-Dade County, Florida, by and through Assistant State Attorney Jason Scully-Clemmons.
2. The Defendant shall participate in a program of counseling with Dr. William R. Samek, compliance with the rules, regulations and directives of that program of counseling, regular reporting in person to Dr. Samek, participation in said counseling, and any other such requirements Dr. Samek and/or Dr. Samek's staff shall impose, delete, or modify from time to time and hereby waives any claim of confidentiality regarding reports from Dr. Samek and/or Dr. Samek's office and/or staff to participating community agencies or parties to this matter. As a condition of this agreement and as part of his entry into Dr. Samek's program of counseling, the Defendant shall state, "I was wrestling with M.M. (a minor), and in doing so, I may have touched him inappropriately."
3. The Defendant shall participate in the aforementioned program of counseling with Dr. Samek for a minimum of eighteen (18) months years and a maximum of four (4) years. Dr. Samek shall review the Defendant's progress and report back to the State at the end of eighteen months. If at the end of the first eighteen (18) months of counseling, Dr. Samek's report indicates that the Defendant needs no further treatment, the Defendant's counseling condition will be terminated. However, if the eighteen month report indicates a need for further treatment, Dr. Samek shall report back as to the Defendant's treatment needs every six months. The Defendant shall remain in treatment for four years or until a review at or after eighteen months indicates that the Defendant needs no further treatment.
4. The Defendant waives any claim of privilege or confidentiality regarding any and all statements made to Dr. Samek and/or anyone associated with the above mentioned program of counseling. Said waiver of privilege extends to matters related to the charges which formed the basis for the Defendant's entrance into this agreement as well as to any records, progress notes, impressions and reports which may be generated as a result of the Defendant's participation in counseling. Said waiver of privilege also extends to any matters which may apply to any situation involving known or suspected child abuse or neglect as provided for in Florida Statute 39.204. Any and all such statements, reports, records, notes, etc., shall be admissible in any court of law, in any proceeding in which the State is a party, without objection from the Defendant. However, in the event that the

Defendant is tried for any offenses committed before June 19, 2000 against M.M., J.B., and/or statements falling under this waiver could not be used against him in that trial.

5. The Defendant shall complete two hundred fifty (250) hours of community service.
6. The Defendant waives his right to a speedy trial.
7. If, in the opinion of Dr. Samek and/or Dr. Samek's staff and/or office the Defendant's participation is not meeting with acceptable success, this agreement may be terminated by the State.
8. The Defendant is aware that an arrest and/or conviction for any misdemeanor and/or felony during the pendency of this agreement, may result in the immediate termination of this agreement by the State. The Defendant shall have no law violations of any kind, including alcohol or drug offenses, and traffic-related criminal offenses, during the pendency of this case.
9. The Defendant shall notify Dr. Samek and the Assistant State Attorney assigned to the Defendant's case within 24 hours of any arrest.
10. The Defendant shall accept the responsibility of maintaining contact with Dr. Samek as instructed.
11. The Defendant shall notify Dr. Samek and the Assistant State Attorney assigned to the Defendant's case prior to any change in employment or residence.
12. The Defendant shall not be out of the area and away from treatment obligations without the written consent of Dr. Samek.
13. The Defendant shall not visit or have any contact in person, written, verbal or via a third party with M.M. (a minor) unless explicit permission is given by the Assistant State Attorney assigned to the Defendant's case after consultation with M.M. and/or M.M.'s parent(s) and/or guardian(s) and/or legal representative(s).
14. The Defendant shall not enter the victim's family property and/or residence unless explicit permission is given by the Assistant State Attorney assigned to the Defendant's case after consultation with M.M. and/or M.M.'s parent(s) and/or guardian(s) and/or legal representative(s).
15. During the pendency of this case, the Defendant shall reside in a setting where there are no other female minors (under age 18). However, the Defendant may reside with his own daughter (a minor).
16. Unless explicit permission is granted in writing by the Assistant State Attorney assigned to the Defendant's case after consultation with Dr. Samek, the Defendant shall have no unsupervised contact with minors during the pendency of this case. However, the Defendant may have unsupervised contact with his own daughter (a minor).
17. The Defendant shall be gainfully employed full-time, actively seeking full-time employment or shall be enrolled in and attending appropriate classes.
18. During the pendency of this case, the Defendant is prohibited from teaching in public and private schools. During the pendency of this case, the Defendant is also prohibited from entering into any profession, taking any job or becoming involved in any activity or hobby which involves the teaching of, coaching of, supervision of, baby-sitting of, care of, custody of, control over, contact with or

tends to place him in contact with minor children. Any unintentional, incidental contact with minor children will not violate the terms of this agreement. However, the Defendant shall make efforts to avoid such unintentional, incidental contact. During the pendency of this case, the Defendant is prohibited from wearing a uniform at any time for any purpose. Additionally, the Defendant is prohibited from entering into any type of occupation that would require him to wear a uniform during the pendency of this case. *(except his uniform for softball)*

19. The Defendant shall surrender his teaching license on or before July 6, 2001. At no time, even after the termination of this case shall the Defendant seek employment in public or private schools within or outside the State of Florida.
20. The Defendant shall comply with any other rules, directives or conditions set out by Dr. Samuel.
21. If the Defendant fails to comply with any of the terms and conditions outlined above, it will constitute a violation of this agreement. However, if the Defendant complies with and completes all the terms and conditions outlined above, the State will announce a nolle prosequi as to the charges against the Defendant in the above captioned case and will neither refile this case, nor file charges on any offense allegedly occurring before June 19, 2000 relating to alleged victims M.M., J.B., and/or C.L. Any violation of this agreement by the Defendant at any time prior to the State's announcement of nolle prosequi will free the State from the requirement to announce a nolle prosequi. Pursuant to paragraph three of this agreement, the earliest that the State could possibly announce a nolle prosequi would be eighteen months from the execution of this agreement.

Having read the above-mentioned terms of this pretrial diversion agreement, and having been advised by my counsel, Don S. Cohn, I, DAVID SOLOMON, freely and voluntarily enter into this pretrial diversion agreement and agree to abide by all terms and conditions of this pretrial diversion agreement, and agree that failure to comply with any terms or conditions within this agreement constitutes a violation of the agreement and subjects me to criminal prosecution for the charges in the above captioned case.

This agreement is entered into freely and voluntarily on this 28th day of March, 2001.

Respectfully submitted,

KATHERINE FERNANDEZ RUNDLE
STATE ATTORNEY

By: *Jason Scully-Clemmons*

Jason Scully-Clemmons
Assistant State Attorney

Florida Bar # 145726

1350 N.W. 12th Avenue

Miami, FL 33136-2111

(305) 547-0100

DAVID SOLOMON
DAVID SOLOMON
Defendant

Don S. Cohn
Don S. Cohn
Attorney for the Defendant